

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

for the

Southern District of New York

USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 5/5/08

United States of America)

v.)

Jorge Hernandez-Rosario)

Date of Previous Judgment: 01/10/2002)

(Use Date of Last Amended Judgment if Applicable))

Case No: S2 00 CR 0121-05 (PKC)

USM No: 44826-054

Nancy Lee Ennis

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months months is **reduced to** 135 months.

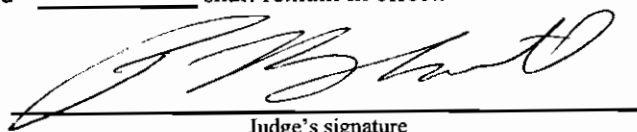
I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 35Amended Offense Level: 33Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 135 to 168 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

By letters dated May 2, 2008, both the government and the defendant agree with the probation office that the foregoing reduction is appropriate.

Except as provided above, all provisions of the judgment dated 01/10/2002 shall remain in effect.

IT IS SO ORDERED.Order Date: May 5, 2008


Judge's signature

Effective Date: 05/16/2008

(if different from order date)

Hon. P. Kevin Castel, U.S.D.J.

Printed name and title